

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JACKSON LEWIS LLP

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*Attorneys for Defendant Briefly Stated, Inc.*

JOHN E. LAVIN,

Plaintiff,

-against-

BRIEFLY STATED, INC. and BRIEFLY  
STATED INC. PROFIT SHARING PLAN,

Defendants.

Case No.: 09-CIV-8610 (CM)

**DEFENDANTS' NOTICE OF MOTION FOR SUMMARY JUDGMENT**

To: Peter D. DeChiara, Esq.  
Cohen, Weiss and Simon LLP  
330 West 42<sup>nd</sup> Street  
New York, New York 10036  
*Attorneys for Plaintiff*

PLEASE TAKE NOTICE THAT, on a date to be set by the Court, before The Honorable Colleen McMahon, United States District Judge, at the United States Courthouse, 500 Pearl Street, Room 640, New York, New York 10007, Defendants Briefly Stated Inc. Profit Sharing Plan and Briefly Stated, Inc. (hereinafter "Defendants"), by and through their attorneys, Jackson Lewis LLP and Salans LLP respectively, will hereby move this Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rules 56.1 of the Local Rules of Court for the Southern District of New York, for an Order granting Defendants' Motion for Summary Judgment.

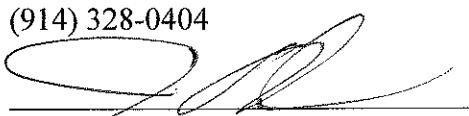
In support of their Motion for Summary Judgment, Defendants respectfully direct the Court's attention to the accompanying Local Civil Rule 56.1 Statement Of Material Facts As To Which There Is No Genuine Issue To Be Tried, Memorandum of Law, and Affirmation of Jonathan M. Kozak, Esq. In Support Of Defendants' Motion For Summary Judgment, along with all exhibits annexed thereto and likewise in support of the motion.

Pursuant to the Endorsed Letter Order (Docket No. 20), answering papers are due June 7, 2010, and reply papers are due June 14, 2010.

Respectfully submitted,

JACKSON LEWIS LLP  
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(914) 328-0404

By:

  
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Robert R. Perry  
Jonathan M. Kozak  
*Attorneys for Defendant Briefly Stated, Inc. Profit Sharing Plan*

Dated: May 17, 2010  
White Plains, New York

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 17<sup>th</sup> day of May, 2010, I electronically filed and served a copy of Defendants' Notice Of Motion For Summary Judgment through the U. S. District Court for the Southern District of New York CM/ECF system and via Federal Express, overnight mail, postage prepaid and addressed as follows:

Peter D. DeChiara, Esq.  
COHEN, WEISS AND SIMON LLP  
330 West 42<sup>nd</sup> Street  
New York, New York 10036  
*Attorneys for Plaintiff*



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Jonathan M. Kozak